

1  
2  
3  
4  
5  
6  
7  
8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 FREDERICK LEE JACKSON,

13 Plaintiff,

14 v.

15 FELECIA HODGE, et al.

16 Defendants.  
17  
18

Case No. CV 15-01169 PSG (RAO)

ORDER ACCEPTING REPORT  
AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE  
JUDGE

19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended  
20 Complaint, all of the other records and files herein, and the Report and  
21 Recommendation of United States Magistrate Judge ("Report"). Further, the Court  
22 engaged in a *de novo* review of those portions of the Report to which Plaintiff  
23 objected. The Court hereby accepts and adopts the findings, conclusions, and  
24 recommendations of the Magistrate Judge.

25 Plaintiff raises three main arguments: (1) the Report applies the wrong legal  
26 standard; (2) the Report fails to acknowledge that Plaintiff's claims are inextricably  
27 connected; and (3) the Report fails to analyze Plaintiff's original claims under the  
28 Eighth Amendment. Contrary to Plaintiff's assertion, the Report not only analyzes

1 Plaintiff's allegations under the Eighth Amendment but also takes the applicable  
2 legal standard from the very case cited by Plaintiff, *Farmer v. Brennan*. (See Dkt.  
3 No. 22 at 16.) Plaintiff's contention that his claims must be construed as  
4 inextricably connected is not well founded, as the Report analyzed Plaintiff's  
5 allegations under various possible legal frameworks, including several that  
6 Plaintiff himself did not explicitly raise. That Plaintiff raises multiple claims  
7 concerning the same factual allegations does not alter the manner in which the  
8 appropriate legal standards for each claim must be applied. Finally, with respect to  
9 Plaintiff's objection regarding his original claims, the Court notes that the Report  
10 properly analyzes the claims of the operative pleading, including under the Eighth  
11 Amendment. Accordingly, the Court is not persuaded by Plaintiff's objections.

12 IT IS ORDERED that Plaintiff's First Amended Complaint (Dkt. No. 8) is  
13 dismissed without leave to amend and with prejudice.

14  
15  
16 DATED: 6/28/17

  
\_\_\_\_\_  
PHILIP S. GUTIERREZ  
UNITED STATES DISTRICT JUDGE